

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Daniel Edward ALVARADO,

Defendant(s)

Magistrate Case No.

'08 MJ 1782

08 JUN -9 AM 9:46

COMPLAINT FOR VIOLATION OF COURT
SOUTHERN DISTRICT OF CALIFORNIA

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Transportation of Illegal


DEPUTY

Aliens

The undersigned complainant, being duly sworn, states:

On or about **June 6, 2008**, within the Southern District of California, defendant **Daniel Edward ALVARADO** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Enrique MARTINEZ-Vizcarra**, **Alberto RUIZ-Ramirez**, and **Jesus Alberto ROBLES-Altamirano** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).


And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF JUNE 2008


 Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Enrique MARTINEZ-Vizcarra**, **Alberto RUIZ-Ramirez**, and **Jesus Alberto ROBLES-Altamirano** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 6, 2008, at approximately 5:15 a.m., Border Patrol Agent R. Marta was operating a mobile optical scope when he observed a group of individuals running north from the United States/Mexico International Border towards Highway 94 East of Tecate, California to an area commonly known as "Split Rock". "Split Rock" is located five miles east and five hundred yards north of the United States/Mexico International Border. This area is notorious for the presence of illegal undocumented aliens and their smugglers attempting to further their entry into the United States.

Agent Marta then observed a Ford Excursion with an after market lift kit, slow down and stop at the location where the individuals were running towards. Seconds later, the Ford drove eastbound on Highway 94. Agent Marta advised agents in the area via service radio of what he had just witnessed. Supervisory Border Patrol Agent F. Morales III heard the information passed on by Agent Marta and began to drive westbound on Hwy 94 toward "Split Rock". Agent Morales then observed a White Ford Excursion with a lift that matched Agent Marta's description driving eastbound on Hwy 94 at a high rate of speed. Agent Morales turned his vehicle around and began to follow the Ford Excursion. Agent Morales caught up to the vehicle and was about to run records checks on it when Agent Morales noticed that the vehicle started decelerating rapidly. The driver rapidly applied his brakes several times. Agent Morales also noticed that despite the full body lift on the Ford Excursion, the back end of the vehicle was riding extremely low.

Agent Morales contacted dispatch and requested records checks on the vehicle. Agent Morales then conducted a vehicle stop on the Ford Excursion near Shockey Truck Trail, south of Hwy 94, east of Campo, California. At approximately 5:30 a.m., the vehicle came to a stop and Agent Morales approached the driver and identified himself as a United States Border Patrol Agent. Agent Morales asked the driver of the vehicle, later identified as the defendant **Daniel Edward ALVARADO**, if he is a United States citizen and if he was the owner of the vehicle. Alvarado stated that he is a United States citizen and his mother owned the vehicle. During the exchange of information, the defendant continuously kept looking over his shoulder into the interior of the vehicle. Agent Morales then asked for consent to search the vehicle. The defendant responded by stating that Agent Morales did not have probable cause. Agent Morales then walked to the rear of the vehicle and looked through the rear cargo door windows and observed multiple people trying to conceal themselves. Agent Morales quickly ordered the defendant to exit the vehicle for suspected alien smuggling. Supervisory Border Patrol Agent J. Sylva arrived on scene.

The Ford Excursion contained fifteen people who all readily admitted that they were citizens and nationals of Mexico and that they did not have Immigration documents that would allow them to enter or remain in the United States legally. Agent Sylva then placed the defendant under arrest for alien smuggling. The defendant and the fifteen illegal aliens were transported to the El Cajon Border Patrol Station for processing.

DEFENDANT STATEMENT:

On June 6, 2008 at approximately 11:07 a.m. The defendant **Daniel Edward ALVARADO** was read his Miranda rights in the English language by Border Patrol Agent J. Rambo and witnessed by Agent B. Blanchard. The defendant stated that he understood his rights and then provided a taped sworn statement in the English Language, which in summary depicts the following:

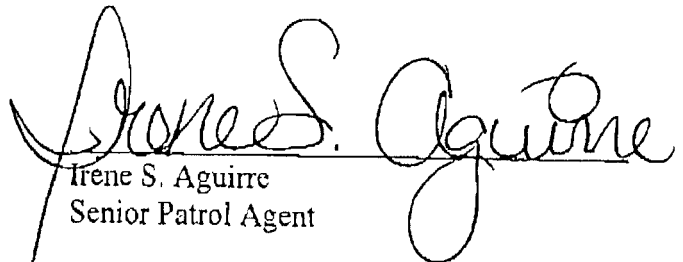
The defendant stated that he was not under the influence of any mind altering drugs at the time of this interview. The defendant also stated that he is a United States Citizen, born in Long Beach, California on September 25, 1989. When questioned as to the activities incident to the defendant arrest, he stated that he was traveling to his home in Campo, California in a white Ford Excursion belonging to his mother. The defendant went on to further state that while driving east along State Route 94; two individuals ran out into the highway and flagged him down. The defendant pulled over and allowed them to enter his vehicle. During this time, thirteen other individual's also came out of the brush adjacent to the highway and entered into the vehicle on their own.

The defendant said that he told them that he was going home and he stated they advised him they would leave once at his house. When questioned as to the lack of proper seating arrangements of the individual's found in the vehicle, the defendant stated that the back seats had been removed due to a large stereo system normally occupying the space. The defendant said that this stereo system was currently not functioning and was at his house. The defendant did not state that he received any financial gain from his activities relating to his transporting of the individual's to his home. When the defendant was questioned about the citizenship status of the individual's, the defendant acknowledged that they were most likely in the United States illegally.

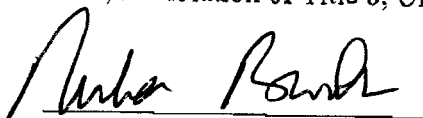
MATERIAL WITNESSES STATEMENTS:

Material witnesses **Enrique MARTINEZ-Vizcarra**, **Alberto RUIZ-Ramirez**, and **Jesus Alberto ROBLES-Altamirano Mendez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States and did not have any immigration documents allowing them to be or remain in the United States legally. They stated that they made arrangements in Mexico to be smuggled into the United States illegally. The material witnesses stated that they were to pay \$2,400 to \$3,000 (US) to be smuggled into the United States. Material witness **RUIZ-Ramirez** was shown a photo line up and positively identified the defendant as the driver of the vehicle.

Executed on June 7, 2008, at 09:00 a.m.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **June 6, 2008**, in violation of Title 8, United States Code, Section 1324.


Ruben B. Brooks
United States Magistrate Judge

6/7/2008 at 12:40 p.m.
Date/Time